

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

UNITED STATES OF AMERICA, ex rel.)
DILBAGH SINGH, M.D., PAUL KIRSCH,)
M.D., V. RAO NADELLA, M.D., and)
MARTIN JACOBS, M.D.,)

Relators,)

vs.)

Civil Action
No. 04-186E

BRADFORD REGIONAL MEDICAL CENTER,)
V&S MEDICAL ASSOCIATES, LLC,)
PETER VACCARO, M.D., KAMRAN SALEH,)
M.D., and DOES I through XX,)

Defendants.)

DEPOSITION OF V. RAO NADELLA, M.D.

MONDAY, AUGUST 20, 2007

Deposition of V. RAO NADELLA, M.D., called as a
witness by the Defendant Bradford Regional Medical
Center, taken pursuant to Notice of Deposition and the
Federal Rules of Civil Procedure, by and before Joy A.
Hartman, a Court Reporter and Notary Public in and for
the Commonwealth of Pennsylvania, at the offices of
Stone Law Firm, 1400 Allegheny Building, Pittsburgh,
Pennsylvania, commencing at 10:03 a.m. on the day and
date above set forth.

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JOHNSON and MIMLESS
(412) 765-0744

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1 Q. Do you recall any of the particulars regarding
2 those discussions?

3 A. I think I -- I think I spoke with them about
4 BRMC and their financial arrangement with V&S.

5 Q. Did you talk to them after you received a copy
6 of the sublease?

7 A. Yes, I did.

8 Q. Did you provide them with the particular
9 details of the sublease?

10 A. I don't think I particularly gave them anything
11 in detail; but I might have mentioned to them the
12 amount that they are getting paid.

13 Q. Did you ask Dr. Roumani or Dr. Deforno if they
14 would be interested in participating in this
15 litigation?

16 A. No, I have not asked that.

17 Q. Did you ask Dr. Horsley that question?

18 A. No, I have not asked.

19 Q. Are you aware of any statements by any of those
20 individuals that they were interested in
21 participating?

22 A. No, I have not asked them.

23 Q. Prior to filing the Complaint, did you have any

1 evidence of any specific false or fraudulent patient
2 claims made by Drs. Vaccaro, Saleh, or V&S Medical
3 Associates?

4 A. No.

5 Q. Sitting here today, do you have any evidence of
6 specific false or fraudulent claims that any of those
7 individuals or entities have made?

8 A. Well, you know, I am not a lawyer, so I cannot
9 interpret. I know it is an agreement that is in place
10 and certain claims are submitted by BRMC to the
11 Medicare and Medicaid. I don't know, you know, where
12 they fall, according to Stark II and Antikickback.

13 So it is up to the Court when they are deciding
14 this whether they have submitted any false claims or
15 not. It is not up to me.

16 Q. But you don't have any specific claims, any
17 specific false or fraudulent claims that you are of
18 aware of sitting here today?

19 A. I do not have any number or any names sitting
20 here.

21 Q. Would you agree you are not claiming Dr.
22 Vaccaro or Saleh or V&S have submitted any claims for
23 services provided that were not medically necessary?

1 A. No, I am not claiming.

2 Q. Would you agree that Drs. Vaccaro or Saleh or
3 V&S Medical Associates submitted any claims for
4 services that were not actually provided by them?

5 A. No. I would agree with that.

6 Q. Now, prior to filing the Complaint, did you
7 review any hospital cost reports that were prepared by
8 BRMC?

9 A. No.

10 Q. If you could take a look at Exhibits 3, 4, and
11 5?

12 A. Okay. I have 3, 4, and 5.

13 (Off the record.)

14 Q. Doctor, I had asked you to take a look at
15 Exhibits 3, 4, and 5. Have you seen these documents
16 prior to today?

17 A. No.

18 Q. Prior to filing your Complaint, you did not
19 review these documents?

20 A. No.

21 Q. Exhibit 3 is a Medicare Cost Report for the
22 year ended June 30th, 2004; is that correct?

23 A. Yes. Yes. That is correct.

1 Q. And Exhibit 4 is a Medicaid Cost Report?

2 A. Yes. Right.

3 Q. And Exhibit 5 is a TRICARE/CHAMPUS Cost Report,
4 correct?

5 A. Yes.

6 MR. STONE: Subject to the qualification
7 it is a page from those reports?

8 MR. RYCHCIK: A page, correct.

9 Q. You said prior to filing the Complaint, you had
10 not reviewed these documents?

11 A. Right.

12 Q. In fact, sitting here today, this was the first
13 that you had seen them, correct?

14 A. That is correct.

15 Q. Now, as a physician with privileges at Bradford
16 Hospital, do you have occasion to review the cost
17 reports that are filed by the hospital?

18 A. No.

19 Q. Do you have any reason or any ability to review
20 them before they are submitted?

21 A. No.

22 Q. Would you agree that these hospital cost
23 reports do not contain any certifications by Drs.

C E R T I F I C A T E

COMMONWEALTH OF PENNSYLVANIA :
 : SS.:
 COUNTY OF ALLEGHENY :

I, Joy A. Hartman, a Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify that before me personally appeared V. RAO NADELLA, M.D., the witness herein, who then was by me first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth in the taking of his oral deposition in the cause aforesaid; that the testimony then given by him as above set forth was reduced to stenotypy by me, in the presence of said witness, and afterwards transcribed by computer-aided transcription under my direction.

I do further certify that this deposition was taken at the time and place specified in the foregoing caption, and signature was not waived.

I do further certify that I am not a relative of or counsel or attorney for any party hereto, nor am I otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Pittsburgh, Pennsylvania, on this 23rd day of August, 2007.

The foregoing certification does not apply to any reproduction of this transcript in any respect unless under the direct control and/or direction of the certifying reporter.

Commonwealth of Pennsylvania

NOTARIAL SEAL
 JOY A. HARTMAN, Notary Public
 City of Pittsburgh, County of Allegheny
 My Commission Expires May 9, 2010

Joy A. Hartman
 Joy A. Hartman, Notary Public
 in and for the Commonwealth of
 Pennsylvania

My commission expires May 9, 2010.